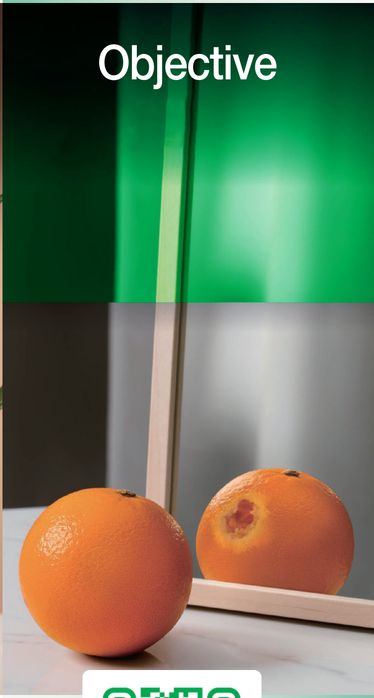
香港申訴專員公署
Office of The Ombudsman, Hong Kong



www.ombudsman.hk

HONG KONG NEEDS A CLEAR MIRROR

The Ombudsman, Mirror of Public Administration

Acting with independence, impartiality and objectivity, The Ombudsman provides the public with a complaint channel. We are empowered by the law to investigate and address issues arising from maladministration, thereby truthfully reflecting any problems and loopholes in the public sector. By recommending remedial measures and urging for improvement, we strive to enhance the quality and standard of public administration.

Our functions and powers

Pursuant to The Ombudsman Ordinance, Cap. 397, The Ombudsman can:

- investigate complaints from aggrieved persons about alleged maladministration* by Government departments and 27 major statutory organisations (excluding Hong Kong Auxiliary Police Force, Hong Kong Police Force, Independent Commission Against Corruption and Secretariat of the Public Service Commission);
- investigate complaints against Government departments and public organisations (including the four mentioned above) for non-compliance with the Code on Access to Information; and
- initiate, of our own volition, direct investigations into areas of suspected maladministration involving systematic problems or issues of significant public interest.

Organisations we oversee

* **Maladministration** means poor, inefficient or improper administration. It may take many forms, which include:

- Abuse of power
- Delay/inaction
- Disparity in treatment, unfairness
- Error, wrong advice/decision
- Failure to follow procedures
- Faulty procedures
- Ineffective control
- Lack of response/reply to complainant/enquirer
- Negligence, omissions
- Poor staff attitude

Complaint handling procedures

- All incoming complaints are screened to examine whether they come within our jurisdiction under The Ombudsman Ordinance, and whether there is a *prima facie* case to warrant investigation.
- If yes, we will decide whether a full investigation is necessary or whether your complaint can be resolved more suitably and expeditiously by way of inquiry or mediation.
- You will be advised of the results of the investigation or the reason for not pursuing your complaint.
- In the course of investigation, if we identify faults in the administrative action/system, we may make recommendations or suggest remedies to correct them.
- All complaints will be treated in the strictest confidence.

Mode of handling complaints

Inquiry

This is the procedure used to process general complaint cases. Besides asking the organisation under complaint to provide information, we collect other evidence and seek clarification from the complainant if necessary. We will, in conclusion, present our findings to the complainant and the organisation. Where inadequacies on the part of the organisation are found, we may make suggestions to the organisation for remedy or improvement. If deeper probing is warranted, we will launch a full investigation.

Mediation

Cases involving only minor or no maladministration may be resolved by mediation with consent of both the complainant and the organisation under complaint for their voluntary participation. Through the facilitation of our officer acting as an impartial mediator, the two parties will explore possible options to resolve the complaint amicably.

Full Investigation

Where a complaint is complex and involves issues of principle, systemic flaws or serious maladministration, we will conduct a full investigation after giving prior notice to the head of the organisation under complaint. A full investigation is an in-depth inquiry. Upon thorough investigation, we will produce an investigation report and present to the complainant and the organisation our findings and comments, and where applicable, our recommendations for improvement or remedy.

What we cannot investigate

- Complaints against organisations not listed in Schedule 1 to The Ombudsman Ordinance (e.g. Electoral Affairs Commission, Town Planning Board, District Councils, etc.)
- Complaints against organisations listed in Part 2 of Schedule 1 to The Ombudsman Ordinance (e.g. Hong Kong Police Force, Independent Commission Against Corruption, etc.) about matters unrelated to the Code on Access to Information
- Complaints relating to:

Legal proceedings or prosecution decisions	Personnel matters
Contractual or other commercial transactions	Imposition or variation of conditions of land grant

Restrictions on investigation of complaints

- Complainant having knowledge of subject of complaint for more than 24 months
- Complainant is anonymous, or cannot be identified or traced
- Complaint not made by person aggrieved or suitable representative
- Subject of complaint having no connection with Hong Kong

Full list of restrictions and actions not subject to our investigation

How to lodge a complaint

In writing

By online complaint form https://www.ombudsman.hk/onlinecomplaintform/

By email complaints@ombudsman.hk

By postage-free complaint form Available at the Office of The Ombudsman and District Offices of the Home Affairs Department

By post 30/F, China Merchants Tower, Shun Tak Centre, 168–200 Connaught Road Central, Hong Kong OR G.P.O. BOX No. 3300, Hong Kong

By fax (852) 2882 8149

In person

30/F, China Merchants Tower, Shun Tak Centre, 168–200 Connaught Road Central, Hong Kong

Through telephone write-up service

(852) 2629 0555

* We offer telephone write-up service if:

- you cannot properly express your complaint in writing
- your complaint is simple and fairly self-evident involving not more than two organisations
- you can provide details of the complaint over the phone in not more than 15 minutes

When you lodge a complaint, please be sure that:

☑ You are the aggrieved person
☑ The department/organisation under complaint is within our jurisdiction
☑ The complaint is not subject to restrictions on investigation
☑ Your name, postal address, identity document and contact methods are provided

(Last updated in January 2024)